THE HON'BLE SRI JUSTICE V.V.S. RAO

AND

THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

W.P.No.15484 of 2003

Date: 15.06.2007

Between:
Nukala Venkanna S/o Ramaiah
Aged about 64 years, Occ: Agriculture-
Cum-sheep rearing, resident of Aswapuram
Manuguru Mandal, Khammam district & 4 others

…. Petitioners

And:

The Agent to Government (District Collector)
Khammam & 2 others

…. Respondents

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ORDER: (Per Hon'ble Sri Justice G.V.Seethapathy)

The petitioners, who are non-tribals claimed to have purchased small extent of land less than Ac.1.00 each from Mothukuri Ramaiah, who was also a non-tribal in 1968 under un-registered sale deeds and they claimed to be in possession of the land ever since. Thus according to them, the transactions are not hit by A.P. Scheduled Areas Land Transfer Regulation Act 1/59 as amended by Regulation 1/70 (for short 'Regulation'), as they took place prior to 3.2.1970, the date on which the Regulation came into force. The 2nd respondent *suo motu* initiated proceedings under the Regulation in LTR Case No.215 of 1998-ASP and ordered ejectment on 28.12.1998 holding that Section 3 of the Regulation hits the transactions.

The orders of the 2nd respondent in LTR Case No.215 of 1998 shows that notice in form-E was served on the petitioners herein, but they did not submit any reply nor they appeared before the 2nd respondent for the enquiry. The 2nd respondent passed a cryptic order of ejectment on the ground that the transfer of the land among non-tribals was in contravention of Section 3(1) of the Regulation. The impugned order of the appellate authority-first respondent confirmed the order of ejectment *inter-alia* on the ground that the sale deeds relied upon by the petitioners being unregistered documents are not admissible in evidence and the pahanies for the relevant period showed the names of the appellants by way of interpolation in different ink with a *mala fide* intention. The genuineness or otherwise of those documents and their admissibility in evidence cannot be gone into in these proceedings under Article 226 of the Constitution. The petitioners have an effective and alternative remedy by way of revision to the Government under Section 6 of the Regulation and they failed to avail the same for no valid reason.

The petitioners are at liberty to approach the Revisional Authority under Section 6 of the Regulation within a period of two weeks from the date of receipt of copy of this order and in the event of their preferring a revision petition, the State Government shall dispose of the same within a period of four weeks of filing in accordance with law.

The writ petition is disposed of with the above direction. No order as to costs.

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V.V.S.RAO, J

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G.V.SEETHAPATHY, J

Date:15.06.2007

BSS